

January 31, 2018

Mary Jackson
Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery (5304P)
Environmental Protection Agency,
1200 Pennsylvania Avenue NW
Washington, DC 20460
jackson.mary@epa.gov
<http://www.regulations.gov>

Re: Request for a Public Hearing concerning Oklahoma: Approval of State Coal Combustion Residuals State Permit Program, 83 Fed. Reg. 2,100 (January 16, 2018), Docket ID No. EPA-HQ-OLEM-2017-0613.

Dear Ms. Jackson:

On behalf of the Grand Riverkeeper, the Tar Creekkeeper, Waterkeeper Alliance, Local Environmental Action Demanded, Inc. ("LEAD Agency, Inc."), Bokoshe Environmental Cause, the Oklahoma Chapter of the Sierra Club, and Earthjustice, we request that the U.S. Environmental Protection Agency ("EPA") hold a public hearing on the notice of availability and request for comment concerning Oklahoma: Approval of State Coal Combustion Residuals State Permit Program, 83 Fed. Reg. 2,100 (January 16, 2018), Docket ID No. EPA-HQ-OLEM-2017-0613.

There is significant public interest in EPA's holding a public hearing on its proposal to approve Oklahoma's coal combustion residuals (coal ash) program. We are organizations with hundreds of members in Oklahoma who are dedicated to the protection of health and the environment in the state, with a focus on waterways including the Grand River and its tributaries, Grand Lake and its tributaries, Hudson Lake and its tributaries and Tar Creek. Coal ash landfills and impoundments are located throughout our state, including near the lakes and tributaries of our treasured Grand River. Coal ash contains highly toxic chemicals including arsenic, cadmium, hexavalent chromium, lead, mercury, selenium and thallium. When coal ash is dumped without proper safeguards, hazardous chemicals enter the air, groundwater, surface water and soil, and nearby communities are harmed.

Coal ash has already significantly damaged water and air quality in Oklahoma. Documents from the Grand River Energy Center show that groundwater downgradient of the facility's coal ash landfill is already tainted with high levels of arsenic and other dangerous contaminants. Documents from AEP's Northeastern plant likewise reveal longstanding releases of poisons associated with coal ash into groundwater. And the severe harms caused by above-ground dumping of coal ash in Bokoshe are well known.

EPA's approval of Oklahoma's coal ash program, in lieu of the federal coal ash rule, will have a direct and permanent impact on the health, environment and economic well-being of Oklahoma communities. We have serious concerns with EPA's proposal to approve Oklahoma's coal ash program, and we ask EPA to hold a hearing so that we can express those concerns and so other potentially impacted residents may weigh in as well.

The public's participation in this process – a process which directly affects waterways and communities we care deeply about – is mandated by Section 7004(b) of the Resource Conservation and Recovery Act, which states, in part: “[p]ublic participation in the development ... of any regulation, guideline, information, or program under this Act shall be provided for, encouraged, and assisted by the Administrator and the States.” 42 U.S.C. § 6974(b). Please uphold that mandate and allow us, together with other potentially impacted communities, to express our significant concerns to you at a public hearing on this matter.

Thank you for your consideration of our request.

Respectfully submitted,

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